



I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Asst. Commissioner of Patents and Trademarks, Washington, D.C. on June 4, 2001

By: Wesley Walton

#5

PATENT

Attorney Docket No. 15280-404100US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BRIAN R. MURPHY et al.

Application No.: 09/733,692

Filed: December 8, 2000

For: USE OF RECOMBINANT
PARAINFLUENZA VIRUSES
(PIVs) AS VECTORS TO
PROTECT AGAINST INFECTION
AND DISEASE CAUSED BY PIV
AND OTHER HUMAN
PATHOGENS

Examiner: Not Assigned

Art Unit: 1632

**RESPONSE TO NOTICE TO
COMPLY WITH SEQUENCE
DISCLOSURE**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

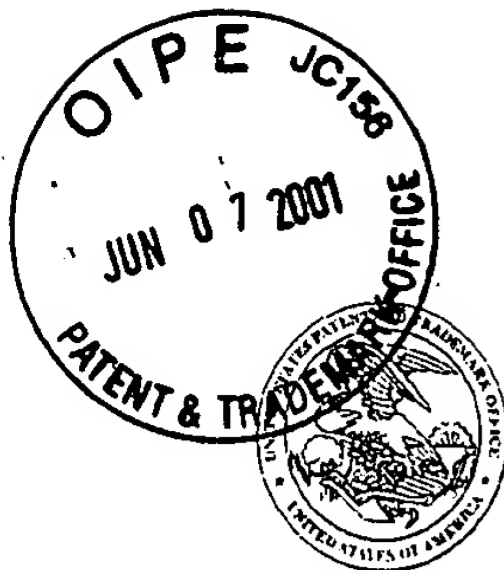
In response to the "Notice to File Missing Parts of Nonprovisional Application," dated April 4, 2001, enclosed please find a substitute Sequence Listing for the above-identified specification. Also enclosed is a corrected computer disk reflecting these changes. Pursuant to 37 CFR §1.821(f) and (g), it is believed that the content of the corrected paper sequence listing and the corrected computer readable sequence listing are the same. Further, the present submission of the substitute pages and computer disk are not believed to constitute new matter. Please charge (or credit) any fees associated with this response to the firm's Deposit Account No. 20-1430. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

Dated: June 4, 2001

By: Jeffrey J. King
Reg. No. 38,515

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (206) 467-9600
Fax: (415) 576-0300
SE 5008613 v1



#7

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/733,692	12/08/2000	Brian R. Murphy	15280-404100US

CONFIRMATION NO. 3239

20350
TOWNSEND AND TOWNSEND AND CREW
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

FORMALITIES LETTER



Date Mailed: 04/04/2001

SCANNED, # _____

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as

06/11/2001 MDANTE1 00000056 201430 09733692

01 FC:105 130.00 CH

required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

SCANNED, # _____

**FEE TRANSMITTAL
for FY 2001**

JUN 07 2001

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/733,692
Filing Date	December 8, 2000
First Named Inventor	Brian Murphy, et. al.
Examiner Name	Unassigned
Group Art Unit	1632
Attorney Docket No.	15280404100

TOTAL AMOUNT OF PAYMENT (\$) 130**METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number

20-1430

Deposit
Account
Name

Townsend and Townsend and Crew LLP

- ☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES

			Extra Claims		Fee from below		Fee Paid
Total Claims		-20**	=		X		=
Independent Claims		-3**	=		X		=
Multiple Dependent				X			=

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$130)

SUBMITTED BY**Complete (if applicable)**

Name (Print/Type)	Jeffrey J. King	Registration No. (Attorney/Agent)	38,515	Telephone	206-467-9600
Signature				Date	June 4, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. SE 5008619 v1

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

09/733,692

Filing Date

December 8, 2000

First Named Inventor

Brian Murphy, et. al.

Group Art Unit

1632

Examiner Name

Not Assigned

Total Number of Pages in This Submission

1

Attorney Docket Number

15280404100

ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/
Incomplete Application

☒ Response to Missing
Parts under 37 CFR
1.52 or 1.53

☐ Assignment Papers
(for an Application)

☒ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SB/69)
and Accompanying Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s)

☐ After Allowance Communication to
Group

☐ Appeal Communication to Board of
Appeals and Interferences

☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s)
(please identify below):

Postcard

Fee Transmittal

Copy of Notice to File Missing Parts

Declaration and Power of Attorney

Response to Notice to Comply with

Sequence Disclosure

Sequence Listing

Diskette

Remarks

The Commissioner is authorized to charge any additional fees to
Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
and
Individual name

Townsend and Townsend and Crew LLP
Jeffrey J. King

Reg No. 38,515

Signature

Date

June 4, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

June 4, 2001

Typed or printed name

Wendy Walton

Signature

Wendy Walton

Date

June 4, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. SE 5008274 v1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Brian R. Murphy et al.

Application No.: 09/733,692

Filed: December 8, 2000

For: USE OF RECOMBINANT
PARAINFLUENZA VIRUSES (PIV's)
AS VECTORS TO PROTECT AGAINST
INJECTION AND DISEASE CAUSED
BY PIV AND OTHER HUMAN
PATHOGENS

Examiner: Unassigned

Art Unit: 1632

**SUBMISSION OF FORMAL
DRAWINGS**

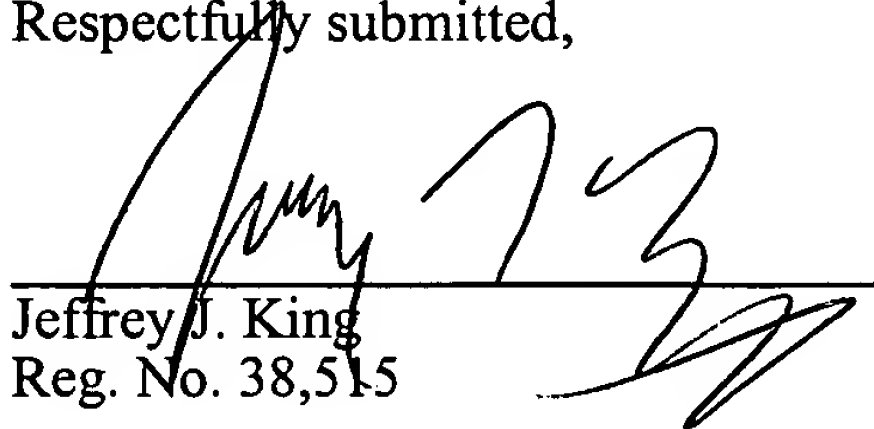
Official Draftsperson
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants note that the Examiner rejected the Drawings on the alleged basis that they do not comport with the requirements pertaining to margin size. Applicants have reviewed the Formal Drawings as originally presented to the Office on March 2, 2001, and respectfully submit that all of the Figures, measured in their proper top-bottom, left-right orientation, fully comport with the requirements pertaining to margin size. Reconsideration or clarification of the rejection is therefore earnestly solicited.

Respectfully submitted,

Dated: June 4, 2001


Jeffrey J. King
Reg. No. 38,515

Customer No. 20350

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 206-467-9600
Fax: 415-576-0300
JJK::ww

5008616v1

09733692

